

**PROPOSED FINAL ORDER OF THE
JUNCTION CITY PLANNING COMMISSION
MINOR PARTITION (MP-14-01), 325 E 1st Ave**

A. The Junction City Planning Commission finds the following:

- a. The applicant, John Strasheim, has submitted the application and preliminary plan as required by 16.05.030 (A) and (B) of the Junction City Municipal Code for the partition of tax lot 102, assessor's map 16-04-05. The applicant proposes to divide tax lot 102 into two parcels of 8.5 acres and 18.8 acres in size, respectively.
- b. The Junction City Planning Commission has reviewed all material relevant to the minor partition that were submitted or presented by the applicant, staff, other agencies, and the general public regarding this matter.
- c. The Junction City Planning Commission followed the required procedure and standards of approving partitions as required by 16.05.030(D)(2) the Junction City Municipal Code.

B. Conditions of Approval:

1. Prior to submitting application for Development Review, application and fee for Final Plat shall be submitted. After approval by the Planning Commission, the Final Plat shall be recorded with Lane County. After which it shall be provided to the City of Junction City.
2. Prior to submitting a building permit application, the applicant shall submit a Development Review application and fee for development of a food processing/packaging/storage facility. The plans shall show the facility complies with the standards listed in Junction City Municipal Code (JCMC) 17.40.080 and other applicable zoning standards.

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission approves the partition for Tax Lot 102 of Assessors' Map 16-04-05-00 with the conditions of approval listed above based on the following findings of fact. The findings of fact are based on the preliminary plat, which is attached.

The following FINDINGS demonstrate that the proposed preliminary partition, as conditioned **will comply with all applicable approval criteria and related standards, as set forth in JCMC Chapter 16.05. The application approval criteria and related standards are listed below in bold *italic*, with FINDINGS addressing each standard, various conditions of approval, final plan requirements and informational items are included where appropriate.**

16.05.030 (D)(2)(b)

(i) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.

FINDING: Parcel 1 is approximately 8.5 acres and is developed with a RV manufacturing and storage facility. The facility is an outright permitted use in the M1 (JCMC 17.45.010). Parcel 2 is 18.8 acres and undeveloped. The stated intent of the applicant is to construct a food processing/packaging facility on parcel 2, also a permitted use under 17.45.010. Development review is required prior to building permits. Approval of the partition allows for a more intense development of the property than currently exists. The partition proposal is for the entire property. It does not impede the future development of the property. There is no remaining property under the same ownership. Current and proposed developments would be contained within parcels 1 and 2, and would not affect the safe development of adjoining land. As conditioned, the criterion is met.

CONDITION: Prior to submitting a building permit application, the applicant shall submit a Development Review application and fee for development of a food processing/packaging/storage facility. The plans shall show the facility complies with the standards listed in Junction City Municipal Code (JCMC) 17.40.080 and other applicable zoning standards.

(ii) The minor partition complies with Junction City policies and plans as well as the intent and purpose of JCMC Chapter 16.05

16.05.050. Platting and Mapping Standards

(A)(1)(a) Generally. The planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the partitioner or subdivider, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the partitioned or subdivision area, in accordance with the purpose of this Chapter.

FINDING: The applicant does not propose new streets nor does the current Transportation System Plan. Therefore, the criterion does not apply.

(A)(2)(a). Width. Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.

FINDING: The applicant does not propose new streets nor does the current Transportation System Plan. Therefore, the criterion does not apply.

(B)(1). Alleys. The planning commission may require adequate and proper alleys to be dedicated to the public by the partitioner or subdivider of such design and in such location as necessary to provide for the access needs of the partition or subdivision area in accordance with the purpose of this chapter.

FINDING: There are no alleyways in this area and none are proposed therefore the criterion does not apply.

(C)(1). Blocks. Length. Block length shall not exceed 600 feet. In residential and commercial zones, maximum block perimeter shall be 1,600 feet. The planning commission may allow exceptions where pedestrian pathways are utilized as mid-block connections between streets.

FINDING: The subject property is zoned industrial. The criterion in (C)(1) addresses residential and commercial zones, therefore the criterion does not apply.

(C)(4) Easements for Utilities. Dedication of easements for storm water sewers and for access there-to for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance, and dedication of easements for other public or private utilities, may be required of the partitioner or subdivider by the planning commission along lot rear lines, lot sidelines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Chapter. Easements for utility lines shall be not less than 14 feet in width; except that, for an easement abutting land not in the partitioned or subdivision area, a lesser width may be allowed, in the description of the planning commission, where the petitioner or subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

FINDING: There is no proposed increase in runoff from the proposed partition. There are no new structures or streets that will be created through this land use decision. Therefore, there is no need for any drainage easement to safeguard against the accumulation of surface water. Therefore, this criterion does not apply.

(D). Perimeter Fences. Perimeter fences shall be required where rear yards abut an existing or planned street. The perimeter fence shall be sight-obscuring and at least five feet in height, and shall be set back at least three feet from the sidewalk or right-of-way. At least one deciduous shade tree (a minimum of two inches in caliper at planting) shall be provided for each 50 lineal feet of frontage. At the time of application review, the planning commission may also require additional subdivision perimeter fencing, retaining walls, or other perimeter treatment in order to address privacy, stormwater runoff, or other issues relating to compatibility with adjacent properties.

FINDING: The criterion in (D) references subdivision. The applicant is proposing partitioning of industrial land. Issues of compatibility with adjacent properties will be addressed through compliance with Public Works Design Standards and Development Review.

CONDITION: Prior to submitting a building permit application, the applicant shall submit a Development Review application and fee for development of a food processing/packaging/storage facility. The plans shall show the facility complies with the standards listed in Junction City Municipal Code (JCMC) 17.40.080 and other applicable zoning standards

(E)(1)(i). Lot Width. Each lot shall have an average width between the lot sidelines of not less than 60 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot sidelines of not less than 65 feet.

FINDING: The width of the subject property is 384.5 feet, which exceeds the 60' minimum average width therefore the criterion is met.

ii. Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than 80 feet and not more than two and one-half times the average width between the lot sidelines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet, unless a lesser depth is approved by the planning commission where necessitated by unusual topographic conditions.

FINDING: The depth of Parcel 1 is about 1,134 feet, exceeding the 80-foot minimum depth. The depth of Parcel 2 is approximately 1,950 feet, which also exceeds the 80-foot minimum depth. The M1 zoning district does not require minimum lot size (17.45.040) and therefore complies with this criterion

(E)(1)(a)(iii) Area. Minimum lot area shall be in accord with requirements for the zoning district within which the lot is located.

FINDING: The M1 zoning district does not require minimum lot size (17.45.040) and therefore complies with this criterion.

(E)(1)(a)(iv) Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.

FINDING: The subject property has 384.5 feet of lot frontage on E 1st Avenue. After partitioning, lot frontage for Parcel 1 will be 324.5 and Parcel 2 will be 60-feet wide and therefore both parcels comply with this criterion.

(E)(1)(a)(v). Reverse Frontage. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with lower functional classification.

FINDING: The lot does not have double frontage and therefore this criterion does not apply.

(E)(1)(b)(i). Exceptions. Partition or Subdivision Area Developed as a Unit. The planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein where the partitioner or subdivider presents a plan satisfactory to the planning commission whereby the entire partition or subdivision area will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the partition or subdivision area, and which the planning commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the parcel or lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this chapter.

FINDING: The M1 zone does not have lot size or lot frontage requirements and therefore this criterion does not apply.

(E)(1)(b)(ii). Land Zoned for Commercial or Industrial Use. The planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this chapter.

FINDING: The M1 zone does not have lot size or lot frontage requirements and therefore this criterion does not apply.

(E)(1)(b)(iii). Parcel or Lot Retained for Future Partition or Subdivision. The planning commission may, in its discretion, waive parcel or lot frontage requirements where, in its judgment, a parcel or lot should and will be retained by the partitioner or subdivider, and future partition or subdivision of such parcel or lot will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such parcel or lot from any street.

FINDING: The applicant has not proposed future partitioning of the property and therefore this criterion does not apply.

(E)(2) Key parcels or lots and butt parcels or lots. There shall be no key parcels or lots or butt parcels or lots, except where authorized by the planning commission where such parcels or lots are necessitated by unusual topographic conditions or previous adjacent layout.

FINDING: The proposed plat does not create key or butt parcels and therefore this criterion does not apply.

(E)(3) Parcel and lot sidelines. As far as is practicable, parcel and lot sidelines shall run at right angles to the street upon which the parcels or lots face, except that on curved streets they shall be radial to the curve.

FINDING: The proposed lot sidelines run at right angles to E 1st Avenue and therefore comply with this criterion.

(E)(4) Suitability for intended use. All parcels and lots shall be suitable for the purpose for which they are intended to be used. No parcel or lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the partition or subdivision area or of such parcel or lot, as determined by the planning commission in accordance with the purpose of this Chapter.

FINDING: Parcel 1 is a suitable size for the existing RV Manufacturing and storage facility. The closest existing building is 97 feet from the proposed partition line. The M1 zoning district does not have setback requirements. Parcel 2 is 18.8 acres and is large enough to be divided in the future. There are no health, safety, or sanitary needs that cannot be met for this partition area. Therefore, criterion is met.

(E)(5) "Future partitioning or subdivision of parcels or lots. Where the partition or subdivision will result in a parcel or lot ½ acre or larger in size which, in the judgment of the planning commission, is likely to be partitioned or subdivided in the future, the planning commission may require that the location of parcel or lot lines and other details of layout be such that future partition or subdivision may readily be made without violating the requirements of this Chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record, if the planning commission deems it necessary for the purpose of future subdivision.

FINDING: Parcels 1 & 2 would each be larger than eight (8) acres; future partitioning or subdivision could be done without violating the requirements of JCMC 16.05 and without interfering with orderly extension of adjacent streets. Therefore, this criterion is met.

(E)(6). Panhandle Lots. Panhandle lot configurations shall not be utilized in new subdivisions. The planning commission may authorize exceptions from frontage requirements for panhandle lots in the R1 and R2 zones only in established neighborhoods; provided, that the following standards, applicable to all panhandle lots, are met:

FINDING: The proposal is for a partition not a subdivision. Nevertheless, no panhandle lots are proposed to be created. Therefore, the criterion is met.

(F) Drainage. Where land in the partitioned or subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any watercourse, channel, stream or creek, the planning commission may require the partitioner or subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefore approved by the planning commission as adequate for the drainage needs of the area; or, where

necessary, in the judgment of the planning commission, for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

FINDING: The application is for a minor partition. No improvements are proposed with this partition application. Therefore, this criterion does not apply.

(G)(1). Railroads.Crossings. Special requirements may be imposed by the planning commission, including but not limited to provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of the partition or subdivision area, for the protection of such residents, and the safety of the general public, in accordance with the purpose of this chapter.

FINDING: There are no railroad crossings on the subject property therefore this criterion does not apply.

(H). Partial Development. Where the partition or subdivision area includes only a part of the tract owned by the partitioner or subdivider, the planning commission may require a sketch of a tentative layout of streets in the remainder of said tract.

FINDING: The partition includes the entire tract of land and therefore complies with this criterion.

(I)(1)-(2). Recreational Area. The planning commission, after council approval first having been obtained, may require, as a condition of approval of the subdivision, either:

The dedication of land for park and recreational purpose of an amount equal to a ratio of not less than one acre of recreational area to every 100 people of the ultimate population in the subdivision; or

The payment to the city of a sum as established by the resolution adopting park systems development charges for each living unit permitted to be constructed within the subdivision. Payment of the charge shall be made at the time the building permit for construction of each living unit is issued by the city. The amount of the charge shall be that prescribed in the parks systems development resolution in effect at the time the individual permit is issued.

FINDING: This application is for a proposed partition, not a subdivision; therefore, the criterion does not apply.

(J) Building lots filled. All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of Oregon Structural, Specialty and Fire and Life Safety Code.

FINDING: This provision references the fill standards from Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code. No lot fill is proposed through this partition application. Therefore, this criterion does not apply.

(K) Finish floor elevations. Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the City of Junction City.

FINDING: Finished floor elevations are reviewed at the time of building permit. No improvements are proposed with this partition application. Therefore, this criterion does not apply

(L) Utility access. All accesses to utilities are to be brought to finish grade.

FINDING: Utility access plans are reviewed at the time of Development Review. No improvements are proposed with this partition application. Therefore, this criterion does not apply.

16.05.030 Minor Partition Procedure

(D)(2)(b)(iv) The minor partition tentative plan is accompanied by five accurate copies thereof.

FINDING: The applicant submitted the appropriate number of copies of the tentative plan.

(D)(2)(v) Public assessments, liens, utility charges and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the council. Except as provided for in the procedures for modification as stipulated in 16.05.070, approval as stipulated herein does not relieve the applicant from other applicable provisions of this Chapter or Oregon Revised Statutes.

FINDING: The warranty deed states there are no liens or encumbrances on the property.

(D)(2)(vi) Minor partition applications for land occupied by existing buildings shall show the location of buildings and give dimensions to existing and proposed lot lines.

FINDING: The preliminary partition map shows the locations and gives dimensions to existing and proposed property lines.

16.05.060, Improvements

(A) Submitting specifications. The planning commission shall prepare and submit to the council specifications and amendments thereto, for construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, and construction of pedestrian ways in subdivision areas. Such specifications shall

conform to proper engineering standards relevant thereto and be so devised as to facilitate provision for the health, safety, and welfare needs of the city and area affected, in accordance with the purpose of this Chapter.

FINDING: The application is for a minor partition. No improvements are proposed with this partition application. Therefore, this criterion does not apply.

Water and Sanitary Sewer Improvements

The Public Works Design Standards (PWDS) have been adopted by City Council to facilitate provision for the health, safety, and welfare needs of the City. The applicant did not submit utility plans with the preliminary partition plan.

FINDING: Utility access plans are reviewed at the time of Development Review. No improvements of the property are proposed with this partition application. Therefore, this criterion does not apply

(B) Land surface drainage. Such grading shall be done and such drainage facilities shall be constructed by the partitioner or subdivider as are adequate for the purpose of proper drainage of the partitioned or subdivision area and of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the partitioned or subdivision area and for the benefit of the general public, and in accordance with specifications adopted by the city council.

FINDING: No improvements are proposed with this partition application. Therefore, this criterion does not apply.

(C) Streets and alleys. The partitioner or subdivider shall grade and pave all streets and alleys in the partitioned or subdivision area to the width specified in JCMC 16.05.050, and provide for drainage of all such streets and alleys, and construct curbs and gutters within the partitioned or subdivision area, in accordance with specifications of this Chapter. Construction of such improvements shall be subject to inspection and approval by the council's street and alley committee.

(D) Sidewalks. Sidewalks shall be located and constructed to conform with JCMC 12.20.

FINDING: No improvements are proposed with this partition application. Therefore, this criterion does not apply

(E) Pedestrian ways. A walk strip not less than five feet in width shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the city council.

FINDING: No improvements are proposed with this partition application. Therefore, this criterion does not apply

(F) Street light and fire hydrant installations. The partitioner or subdivider shall provide for the installation of all streetlights and fire hydrants in accordance with city specifications.

FINDING: No improvements are proposed with this partition application. Therefore, this criterion does not apply

(G) Performance agreement. If all improvements required by the planning commission and this Chapter are not completed according to specifications, as required herein, prior to the time the final map or plat is duly submitted for consideration and approval, the planning commission may accept in lieu of said completion of improvements a performance agreement executed by the partitioner or subdivider, conditioned on faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.

FINDING: No improvements are proposed with this partition request therefore this criterion does not apply

- C. This approval shall become final on the date this decision and supporting findings of fact are signed by the Junction City Planning Commission Chairperson.** An appeal of the Planning Commission's decision must be submitted to the City Council within 12 days of this Final Order being mailed to all opponents. Appeals may be made by filing written notice with the City and paying the fee equal to the average cost as prescribed by the City Council and cost of the written transcripts up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the Planning Commission shall be final. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Signature: _____

Jason, Thiesfeld, Junction City Planning Commission Chairperson

Approval Date: _____